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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,971	12/14/2001	Timothy E. Mason	9753	8366
26884	7590	07/05/2005	EXAMINER	
PAUL W. MARTIN LAW DEPARTMENT, WHQ-4 1700 S. PATTERSON BLVD. DAYTON, OH 45479-0001			VO, TED T	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/017,971

Applicant(s)

MASON, TIMOTHY E.

Examiner

Ted T. Vo

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/14/01 and 5/18/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This action is in response to the Claims filed on 12/14/2001.  
Claims 1-10 are canceled for restriction/election subject matter, filed on 5/18/05.  
Claims 11-20 are pending in the application.

***Specification***

2. The abstract of the disclosure is objected to because the content of the abstract exceeds more than 150 words in length. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 11-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Dejaeger et al, (US No. 6,213,395 B1).

Given the broadest reasonable interpretation of followed breadth of claims in light of the specification.

As per Claim 11: Dejaeger shows a self check-out system that discloses,

*A method for configuring software to correspond to the physical configuration of a convertible checkout station comprising:*

*generating a configuration signal corresponding to a checkout station physical configuration; and determining a software configuration for the checkout station corresponding to the physical configuration indicated by the generated signal.* (See FIG. 9A showing the system generating signals and the processing unit determine the signals. This figure shows PROCESSING UNIT 78b receiving interface the signal from INTERFACE UNIT 142 which is in self-check out mode and the signal from PERSONAL INTERFACE TERMINAL 76 which is in assistant mode. See further texts col.47: 65-67; cols.48-52, col.53: 1-19).

As per Claim 12: Dejaeger shows a self check-out system that discloses, *"The method of claim 11 further comprising: loading software modules corresponding to one operational mode for the checkout station"* (Dejaeger shows a self check-out system comprising a processing unit and memory - col.48: 34-41 – Note: means for *loading software modules* is conventionally known performed by processing unit and memory).

As per Claim 13: Dejaeger shows a self check-out system that discloses, *The method of claim 12 further comprising: executing the loaded software modules to operate the checkout station in the operational mode corresponding to the indicated physical configuration.* (See texts col.47: 65-67; cols.48-52, col.53: 1-19. It should be noted with the showing of processing unit includes, it includes means of *executing the loaded software modules to operate the checkout station*).

As per Claim 14: Dejaeger shows a self check-out system that discloses, *The method of claim 13 further comprising: interrupting the execution of the loaded software modules in response to detection of a change in the signal indicative of the physical configuration of the checkout station* (See FIG 9: PROCESSING UNIT 78b has means of detecting changes between self-check mode and assistant mode. For example, the change (interrupt) from one mode to another mode (self-checkout and assistant modes). See texts col.47: 65-67; cols.48-52, col.53: 1-19.).

As per Claim 15: Dejaeger shows a self check-out system that discloses, *The method of claim 14 further comprising: loading software modules corresponding to another operational mode for the checkout station in response to the detected change in the signal indicative of the physical configuration of the checkout*

station (Dejaeger shows a self check-out system comprising a processing unit and memory - col.48: 34-41 for *loading software modules* (means for loading operational modes is performed by processing unit and memory. FIG 9A includes at least two operational modes).

As per Claim 16: Dejaeger shows a self check-out system that discloses, *The method of claim 11 further comprising: executing the loaded software modules for the other operational mode to operate the checkout station in the other operational mode corresponding to the detected change in physical configuration of the checkout station.* (See FIG 9: PROCESSING UNIT 78b has means of detecting changes between self-check mode and assistant mode. For example, the change causes the self-check performs the operation from one mode to another mode (self-checkout  $\leftrightarrow$  assistant modes). See texts col.47: 65-67; cols.48-52, col.53: 1-19).

As per Claim 17: Dejaeger shows a self check-out system that discloses, *A system for configuring software to correspond to the physical configuration of a convertible checkout station comprising: means for generating a signal indicative of a physical configuration of a checkout station; and; means for determining an operational mode for the checkout station from the generated signal.* See rationale addressed in Claim 11 above.

As per Claim 18: Dejaeger shows a self check-out system that discloses, *The system of claim 17 further comprising: means for actuating the generating means so that the generating means generates a signal indicative of a first physical configuration of the checkout station in response to the actuating means and generating means being in proximity to one another* (FIG 9A.

Referring to the self-check system's movement/rotation between customer and assisted clerk).

As per Claim 19: Dejaeger shows a self check-out system that discloses, *The system of claim 18 wherein the generating means changes the signal in response to the actuating means being separated from the generating means.* (See FIG 9: PROCESSING UNIT 78b has means of detecting changes between self-check mode and assistant mode See switch means self-checkout  $\leftrightarrow$  assistant modes between 156 and 142 of item 78. See texts col.47: 65-67; cols.48-52, col.53: 1-19).

As per Claim 20: Dejaeger shows a self check-out system that discloses, *The system of claim 17 wherein the signal generating means is coupled to a processor for interrupting the processor so that the processor may change software configuration for operating the checkout station in another operational mode.* (See FIG 9: PROCESSING UNIT 78b has means of changing between self-check mode and assistant mode. For example, the change (interrupt) from one mode to another mode (self-checkout and assistant modes). See texts col.47: 65-67; cols.48-52, col.53: 1-19.).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Swartz et al.**, US Pat. No. 6,672,506 B2, discloses self-scanning checkout system that determines how many items to check in a shopper's shopping cart.
- Dumont**, US Pat. No. 5,584,362, discloses a customer checkout apparatus.
- Braga et al.**, "A self-validating valve", discloses Actuator validation principles and techniques.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ted T. Vo', with a stylized, cursive script.

Ted T. Vo  
Patent Examiner  
Art Unit 2192  
June 15, 2005